

1 it's being penalized, you know, because they -- if the
2 Church on the Rock originally had, you know, con --
3 they needed to take some step. I forget what it was,
4 but they didn't and they could have continued and we
5 wouldn't even be here discussing it today. They would
6 have had the variance. So, there is some precedent set
7 for the property already and so I think in -- you know,
8 in keeping with -- with that, you know, the City is in
9 a pretty good position, in my estimation, as far as
10 protecting itself from, you know, any other group that
11 would come in and want to make some changes; but, you
12 know, I -- the thing that scares me is that this
13 property could then be used in -- for something else
14 along the way and we would have nothing to say about it
15 if it's zoned to commercial. So, my leaning very
16 definitely is keep it the way it is. The current.
17 What we changed the zoning to. That's my leaning right
18 now.

19 CHAIRMAN GUERRA: Anyone else?

20 UNIDENTIFIED FEMALE: I had a question since I
21 missed the discussion. I read the minutes. About this
22 non-conforming use rights and it had lapsed. So, it
23 was --

24 CHAIRMAN GUERRA: Right.

25 UNIDENTIFIED FEMALE: -- the SUP that they had

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1 gotten before or how did they get the non-conforming --

2 UNIDENTIFIED FEMALE: I don't know.

3 CHAIRMAN GUERRA: I don't know if Christi
4 briefed you on that or not.

5 MS. MADISON: I don't want to lead you astray,
6 but I think the chain of events was that you had your
7 master plan, that you came in and the area was zoned
8 B-2. Changed the zoning ordinance in November, 2006 I
9 believe.

10 UNIDENTIFIED MALE: Right.

11 MS. MADISON: The church came in to
12 non-compliance in July, 2007 and it became in compli --
13 I mean, they came --

14 UNIDENTIFIED MALE: Out of compliance.

15 MS. MADISON: -- out of compliance or
16 whatever --

17 UNIDENTIFIED MALE: Six months --

18 MS. MADISON: -- because of the fact -- there's
19 two factors, basically, that caused them to go into
20 non-compliance and one is -- and help me here, Frank,
21 if I don't get this right -- but one has to do with the
22 change of the use of the building. If they're a
23 non-conforming use, they are grandfathered as long as
24 they maintain that use or they change ownership. Those
25 are the two defining factors. If it changes hands,

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1 changes ownership, or if the use changes, then they go
2 into non-compliance and it is revoked. So, they're
3 grandfathered as long as they use that same use or they
4 do not change the ownership. And as I understand it,
5 the ownership changed because they became in default
6 and then a new company owned them. So, that's how they
7 became -- then the new company then had to come back
8 and apply for whatever and by that time the zoning
9 ordinance had been changed. Of course your master plan
10 was done in 2003. So, that would be my answer.

11 UNIDENTIFIED FEMALE: Okay. Thank you.

12 CHAIRMAN GUERRA: Hal, did you have a question?

13 MR. BURNSIDE: I don't want to belabor the
14 point, but I -- we did hold a lot of discussion
15 about -- about the issue concerning the economic
16 viability of the community and the impact on property
17 that was not taxable and churches being one of those
18 categories; and I think everybody understands we are
19 certainly by no means anti-church. We -- as has been
20 stated before, there are many churches within the city.
21 What we felt as a body we needed to do in our capacity
22 as commissioners and making recommendations to the
23 council, that we needed to begin to address the issue
24 of how do we keep the community as economically viable
25 as possible, at the same time allowing for property

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1 within the city to be used by churches; and so while
2 before, if I'm correct and if I'm not somebody, you
3 know, say so, I believe the churches were allowed just
4 about anywhere.

5 MS. MADISON: That's correct.

6 MR. BURNSIDE: And we felt that in certain
7 instances, such as right there on Bandera Road. I
8 mean, to me, that is where you put your business.
9 That's where you begin to concentrate your economic
10 development resources and the use of property that
11 prime in an economic corridor for something other than
12 economic development, I believe in our case, as has
13 been pointed out, we are land locked. We cannot expand
14 and bring in. So, we have to really be real careful
15 about the resources we have and how we use them; and so
16 we didn't make our decision and our recommendations
17 lightly. It was with a lot of consideration and a lot
18 of thought and so that's why the recommendation to
19 locate churches in a B-3 was made.

20 UNIDENTIFIED FEMALE: It's not just churches,
21 if I'm correct. It's anyplace where there is a
22 gathering of people.

23 UNIDENTIFIED FEMALE: No.

24 UNIDENTIFIED FEMALE: I thought it was.

25 UNIDENTIFIED MALE: I think -- well, I know we

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1 discussed it as churches. I don't know how --

2 UNIDENTIFIED FEMALE: Well, we can't just do
3 that against the churches.

4 UNIDENTIFIED FEMALE: She's correct. The
5 intent -- and I don't have all the research in front of
6 me, but the intent was that for places of gathering or
7 for assembly was in B-3.

8 UNIDENTIFIED MALE: Okay. All right.

9 UNIDENTIFIED FEMALE: And that was part of the
10 reasoning behind the rezoning.

11 UNIDENTIFIED FEMALE: Yes.

12 UNIDENTIFIED FEMALE: I mean that different
13 zoning.

14 UNIDENTIFIED MALE: It's just not churches.

15 UNIDENTIFIED FEMALE: It's not just churches
16 because --

17 UNIDENTIFIED MALE: It's gatherings.

18 UNIDENTIFIED FEMALE: -- it's gatherings of
19 people.

20 UNIDENTIFIED FEMALE: Assemblyings.

21 UNIDENTIFIED FEMALE: Yep, yep, yep.

22 UNIDENTIFIED FEMALE: Or non-commercial --
23 non-business purposes.

24 UNIDENTIFIED FEMALE: Okay.

25 CHAIRMAN GUERRA: A motion, if there's no

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1 further discussion, unless someone else has something
2 else.

3 MS. BAIRD: Well, in zoning case 08-380 we are
4 now considering, I would move that we recommend to the
5 City Council that this request be denied for this
6 zoning change and that it remain just as it is now,
7 B-2; and it not be changed to B-3 and allow commercial
8 anything in there and I believe that that is -- I think
9 it will protect and preserve the property rights of --
10 of real property owners, of other businesses along that
11 corridor, as well as residents in that area and I -- I
12 certainly think -- know that it is consistent and
13 compatible with the master plan and with the
14 surrounding zoning and those would be my reasons for
15 making that recommendation.

16 UNIDENTIFIED MALE: And I'll second the motion.

17 CHAIRMAN GUERRA: Okay. We have a motion and a
18 second for denial of the request. Any further
19 discussion? Would you please poll the commission.

20 UNIDENTIFIED FEMALE: Oh, okay. Vice chair
21 Wendy Phelps?

22 MS. BAIRD: Opposed.

23 UNIDENTIFIED FEMALE: Renee Baird?

24 MS. BAIRD: In favor of my motion. Yes.

25 UNIDENTIFIED FEMALE: Sorry.

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1 UNIDENTIFIED MALE: That's a negative and we
2 rarely do that.

3 MS. BAIRD: I know. We hardly ever do that.
4 Yeah.

5 UNIDENTIFIED FEMALE: Rich Braune?

6 MR. BRAUNE: I --

7 CHAIRMAN GUERRA: In favor or oppose the
8 motion?

9 MR. BRAUNE: In favor.

10 UNIDENTIFIED FEMALE: Olen Yarnell?

11 MR. YARNELL: I wish we could do it some other
12 way, but I'm in favor of the motion. I can't -- I
13 can't go against our master plan.

14 UNIDENTIFIED FEMALE: Sharon Hendricks?

15 MS. HENDRICKS: In favor.

16 UNIDENTIFIED FEMALE: Hal Burnside?

17 MR. BURNSIDE: In favor.

18 UNIDENTIFIED FEMALE: Paul Biever?

19 MR. BIEVER: In favor.

20 UNIDENTIFIED FEMALE: Motion passes six/one.
21 Chair, do you also vote?

22 CHAIRMAN GUERRA: In favor.

23 UNIDENTIFIED FEMALE: In favor. Okay.
24 Seven/one.

25 UNIDENTIFIED FEMALE: When does it go before

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1 City Council?

2 UNIDENTIFIED FEMALE: When does it go?

3 CHAIRMAN GUERRA: It will go -- it will be
4 forwarded to the City Council at their next meeting of
5 March the --

6 UNIDENTIFIED FEMALE: 4th.

7 CHAIRMAN GUERRA: -- 4th.

8 EXCERPT NUMBER 2

9 CHAIRMAN: Thank you, Amy. The next item for
10 discussion is staffing concerns. After our last
11 meeting we got into a discussion about various matters.
12 And one of the things that was brought up was staffing
13 concerns within the community. I know that I've been
14 at council meetings where people have spoken about code
15 enforcement issues and the need for a code enforcement
16 officer. If I'm correct I know there was -- it was
17 mentioned from our last meeting that within the -- the
18 staff -- the staff that provides assistance to our
19 commission, we've been working with two people, Melinda
20 and Christy. Melinda is gone. We have Christy. And
21 in the meantime Amy was hired. Initially hired as the
22 economic development person for the City but through
23 the city reorganization I -- I see it is taking place.
24 But what I've mentioned in discussing the item and the
25 next one with the Mayor and with Lanny and with Christy

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1 and with Amy, we -- we felt that we had two people that
2 we working with directly before and now we only have
3 one. I'm not sure that that's still the case but in
4 discussing this with the Mayor and in trying to figure
5 out a way to talk about these matters that she felt
6 that these were matters that the city manager could
7 best handle and address and that's why Mr. Lambert is
8 here to talk to us about this. And so, with that,
9 Lanny, I'll turn it over to you.

10 MR. LAMBERT: Thank you, Claude, Mr. Chairman.
11 Good evening. Before you leave, the last topic, just
12 as a matter of interest I was sitting there
13 calculating. When that church became available, when
14 it was available for auction, I approached the City
15 council. I wanted to buy it. I would have liked to
16 have bought it for a fire station and for a city hall
17 annex. And the council told me, "No. That's too
18 valuable to be removed from the tax roll again for a
19 city function. So I got nowhere with it, but I did
20 find the price. They were asking \$1.5 million for it.
21 And our tax roll, at 52 cents, that's \$75,000.00 a year
22 that we've not received on income from that, for that
23 property. I just thought that was interesting. I -- I
24 was not successful in acquiring it for a fire station
25 or a city hall either, but -- in fact, that's a --

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1 that's a prime -- prime real estate in our city. I
2 don't know, if we get something really beneficial at
3 that location.

4 BOARD MEMBER: I see that thing sitting empty
5 for a long --

6 BOARD MEMBER: Huh?

7 BOARD MEMBER: I see that thing sitting empty
8 for a long time.

9 BOARD MEMBER: It probably will.

10 BOARD MEMBER: That's not the figure that's on
11 the tax roll.

12 MR. LAMBERT: That's what they're asking for
13 it. It's not on the tax roll because it's tax exempt.

14 BOARD MEMBER: It's tax exempt, yeah.

15 MR. LAMBERT: I didn't check. Is tax exempt
16 property on the tax roll?

17 BOARD MEMBER: Well, BCAD has it listed.

18 MR. LAMBERT: Does it?

19 BOARD MEMBER: Yes.

20 MR. LAMBERT: Oh, I didn't send it to BCAD.
21 Jeff, historically, it's never on the tax roll at it's
22 asking price. You're right. So -- but I didn't check
23 to see what it was on the tax roll at. Chairman Guerra
24 told the Mayor that the zoning board had three issues
25 of importance that they wanted to discuss with the city

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